IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 13987 of 2004

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Between:

1 Lambadi Poorya, S/o.Venkya,
R/o.Mardi Village,Kalher Mandal, Medak Dist.
2 Boggula Hanumandlu, S/o.Kistaiah,
R/o.Mardi Village, Kalher Mandal, Medak Dist.

..... PETITIONERS

AND

1 Collector and District Election authority, Medak Dist at

Sangareddy.
2 Deputy District Election Authority and Revenue

Divisional officer, Sangareddy Division at Sangareddy,

Medak District.
3 M.R.O., Kalher Mandal, Medak District.
4 Election officer, Nallavagu project Water

Users' Association -IV Krishnapur, Kalher Mandal,

Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring that the action of the 2nd respondent contained in proceedings No.B1/1166/2002 dated 30-10-2003 purporting to alter the election programme of Nallavagu project water users' Association-IV after the election was conducted and result declared, is illegal and arbitrary and further declare that the action of the 2nd respondent in purporting to renotify the election that was already held and concluded, is also arbitrary and illegal and direct the respondents to permit the petitioners and other Territorial constituency Members of the Nallavagu project water user's Association-IV who were elected on 31-10-2003 as per Form 15-B that was issued by the 4th

respondent to continue in office for all purposes and for election as Chairman and vice Chairman of the Nallavagu project water user's Association-IV and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondent No.: GP FOR REVENUE

The Court Made the Following ORDER:

Pursuant to the election notification issued for conduct of elections to the Territorial Constituency Members of Water Users' Associations under the provisions of A.P. Farmers Management of Irrigation System Act, 1997 to Nallavagu Project Water Users' Association Krishnapur, Kalher Mandal, Medak District. Twelve nominations were received for the total number of 12 Territorial Constituencies. In other wards, the election was unanimous, since there is no other nominations were received. The complaint of the petitioners is that though the results were declared on 31-10-2003 in Form 15-B, unanimously elected Territorial Constituency members were not permitted to hold a meeting for electing the Chairman and Vice Chairman, in view of the proceedings issued by the second respondent dated 30-10-2003 pursuant to the order passed by this court in W.P.No.22433 of 2003 dated 27-10-2003 wherein this court only directed to consider the representation for establishment of a polling station and shifting of the polling station from Krishnapur to Mardi Village. The present writ petition is filed complaining that the respondents are contemplating to issue election programme once again without giving effect to the lections, which were held unanimously as per the declaration made on 31-10-2003.

This court by order dated 13-8-2004 directed the second respondent to present in the court and explain the steps taken pursuant to the proceedings No.B1/1166/2002 dated 30-10-2003. In response to the same, the second respondent present in the court and produced the file wherein he sought a clarification from the District Collector, who in turn through his letter No.D1/8216/2003 dated 16-8-2004 clarified that single nomination is received for each Territorial Constituencies i.e., 12 nominations for 12 Territorial Constituencies in Water Users' Association-IV of Kalher Mandal were deemed to have elected as Territorial Constituency members as on 30-10-2003. Regarding the election of Water Users' Association President and Vice President they are casual vacancies arisen at the time of election. The election for these two posts can be conducted after receipt of Government orders for

filling up casual vacancies. Accordingly, the second respondent was directed to declare the results and issue Form 16 election certificate to the elected Territorial Constituency members. In view of the said directions issued, the second respondent is under obligation to declare results and issue necessary Form 16-election certificate to the elected members.

In view of the same, the second respondent has to issue necessary directions to the fourth respondent for issuance of Form-16-election certificates to the elected Territorial Constituency members within one week from the date of receipt of a copy of this order. In view of the same, no further orders are need be passed except directing the second respondent to act according to the instructions issued by the District Collector in his letter dated 16-8-2004.

Accordingly, the Writ Petition is disposed of. No costs.

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A. Gopal Reddy, J.

19th August, 2004.

Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Collector and District Election authority, Medak Dist at

Sangareddy.
2 Deputy District Election Authority and Revenue

Divisional officer, Sangareddy Division at Sangareddy,

Medak District.
3 M.R.O., Kalher Mandal, Medak District.
4 Election officer, Nallavagu project Water

Users' Association -IV Krishnapur, Kalher Mandal,

Medak District.

5 2CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

6 2CD copies